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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,764	02/28/2005	Katsushi Tsutsui	FP3002-0034	9956

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EXAMINER	
CRAIG, PAULA L	
ART UNIT	**PAPER NUMBER**
3761	
MAIL DATE	**DELIVERY MODE**
07/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,764	TSUTSUI, KATSUSHI	
	Examiner	Art Unit	
	Paula L. Craig	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 26, 2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to Claims 1-14 have been considered but are moot in view of the new grounds of rejection. For Claim 8, Applicant argues that the offset has a stated purpose and solves a particular problem, as disclosed in paragraphs 5 and 8 of the specification. Paragraphs 5 and 8 teach a purpose for the invention as a whole; however, no purpose for the offset as such is indicated. Note that independent Claims 1 and 4 do not require an offset. A resilient body which is offset to at least some extent from the center of an absorptive product is well known in the art; in addition to Drevik, see U.S. Patent No. 5,558,656 to Bergman, Figs. 6 and 7; U.S. Patent No. 4,935,021 to Huffman et al.; and U.S. Patent No. 4,892,536 to DesMarais et al.

Claim Objections

3. The objection to Claims 8-14 is maintained for the reasons of record, in that Claim 8, line 10, "the absorbent product" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,410,822 to Mizutani.

6. For Claim 1, Mizutani '822 teaches an absorptive product that is elongate in a longitudinal direction and has a surface side configured for contact with a body (Abstract, Figs. 1-3, col. 2, lines 6-13). Mizutani '822 teaches a back sheet which has a shape elongated in one direction and prevents the permeation of liquid (backsheet 3, Figs. 1-3, col. 2, lines 9-16). A liquid permeable surface material is arranged on the surface side configured for contact with a body (surface material is topsheet 2, Figs. 1-3, col. 2, lines 9-16). An absorbent is arranged between the back sheet and the surface material and is capable of absorbing and holding a liquid which permeates the surface material (absorbent is liquid-absorbent core 4, Figs. 1-3, col. 2, lines 9-18). Mizutani '822 teaches a resilient body which is fixed at least to the absorbent in a center region in a lateral direction of the product and imparts a contracting force to the absorbent with respect to the longitudinal direction (resilient body is elastic members 6, Figs. 1-3, col.

2, line 9 to col. 3, line 20). Slits are formed in the absorbent in a region on which the contracting force of the resilient body acts, wherein the slits in the absorbent extend substantially co-extensively with and adjacent to the resilient body such that a deformed portion is created that includes both the absorbent and the resilient body, the deformed portion being a substantially V-shaped portion as viewed in the longitudinal direction (slits are grooves 11, Figs. 1-3, col. 2, line 9 to col. 3, line 54; note V-shape is shown in dotted lines in Fig. 3). Mizutani '822 teaches the resilient body imparting the contracting force to the absorbent mainly along the longitudinal direction of the product (resilient body is elastic members 6, Figs. 1-3, col. 2, lines 18-24; note elastic members 6 are under tension).

7. For Claim 4, Mizutani '822 teaches an absorptive product that is elongate in a longitudinal direction and has a surface side configured for contact with a body (Abstract, Figs. 1-3, col. 2, lines 6-13). Mizutani '822 teaches a back sheet which has a shape elongated in one direction and prevents the permeation of liquid (backsheet 3, Figs. 1-3, col. 2, lines 9-16). A liquid permeable surface material is arranged on the surface side configured for contact with a body (surface material is topsheet 2, Figs. 1-3, col. 2, lines 9-16). An absorbent is arranged between the back sheet and the surface material and is capable of absorbing and holding a liquid which permeates the surface material (absorbent is upper core 16, Figs. 1-3, col. 2, lines 9-18). Mizutani '822 teaches a resilient body which is fixed at least to the absorbent in a center region in a lateral direction of the product and imparts a contracting force to the absorbent with respect to the longitudinal direction (resilient body is elastic members 6, Figs. 1-3, col.

2, line 9 to col. 3, line 20). Slits are formed in the absorbent in a region on which the contracting force of the resilient body acts, the slits extending through the entire thickness of the absorbent (slits are grooves 11; absorbent is upper core 16; Figs. 1 and 3, col. 2, line 9 to col. 3, line 54). Mizutani '822 teaches the slits being formed adjacent both sides of the resilient body such that a first slit is formed on a first side of the resilient body and a second slit is formed on an opposite side of the resilient body; the first slit has a center portion thereof in the longitudinal direction thereof arranged close to the second slit, and other portions thereof gradually parted away from the second slit (slits are grooves 11, Figs. 1-3, col. 2, line 9 to col. 3, line 54).

8. For Claim 2, Mizutani '822 teaches the resilient body including two laterally spaced sides, and the slits are respectively arranged adjacent each of the laterally spaced sides with respect to the resilient body (slits are grooves 11, Figs. 1-3, col. 2, line 9 to col. 3, line 54).

9. For Claim 3, Mizutani '822 teaches the slits having longitudinal end sides thereof parted away from the resilient body (slits are grooves 11, Fig. 1).

10. For Claim 5, Mizutani '822 teaches the resilient body being formed of a film-like resilient body having a given width which imparts a contracting force mainly in the longitudinal direction (resilient body is elastic members 6, Figs. 1-3, col. 2, line 9 to col. 3, line 9; note each of the elastic members 6 appears thin and film-like in Figs. 1-3).

11. For Claim 6, Mizutani '822 teaches the absorbent being formed by stacking a first absorbent layer having high liquid diffusivity and a second absorbent layer having a high liquid holding property (first absorbent layer is upper core 16, second absorbent layer is

lower core 17, Fig. 3, col. 2, line 63 to col. 3, line 21; note upper core 16 is of fluff pulp, while lower core 17 is of fluff pulp and superabsorptive polymer particles). Mizutani '822 teaches the resilient body being fixed to the second absorbent layer, and the slits being formed in the second absorbent layer (resilient body is elastic member 6, slits are grooves 11, Figs. 1 and 3, col. 2, line 9 to col. 3, line 54).

12. For Claim 7, Mizutani '822 teaches a notched portion formed in the first absorbent layer corresponding to a position where the resilient body is formed (notched portion is grooves 11; first absorbent layer is upper core 16; Figs. 1 and 3).

Claim Rejections - 35 USC § 103

13. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani '822 in view of Drevik (US 2002/0156450.

14. For Claim 8, Mizutani '822 teaches an absorptive product that is elongate in a longitudinal direction and has a surface side configured for contact with a body (Abstract, Figs. 1-3, col. 2, lines 6-13). Mizutani '822 teaches a back sheet which has a shape elongated in one direction and prevents the permeation of liquid (backsheet 3, Figs. 1-3, col. 2, lines 9-16). A liquid permeable surface material is arranged on the surface side configured for contact with a body (surface material is topsheet 2, Figs. 1-3, col. 2, lines 9-16). An absorbent is arranged between the back sheet and the surface material and is capable of absorbing and holding a liquid which permeates the surface material (absorbent is liquid-absorbent core 4 or upper core 16, Figs. 1-3, col. 2, lines 9-18). Mizutani '822 teaches a resilient body which is fixed at least to the absorbent in a

center region in a lateral direction of the product, the resilient body imparting a contracting force to the absorbent with respect to the longitudinal direction (resilient body is elastic members 6, Figs. 1-3, col. 2, line 9 to col. 3, line 20). Slits are formed in the absorbent in a region on which the contracting force of the resilient body acts, wherein the slits in the absorbent extend substantially co-extensively with and adjacent to the resilient body such that a deformed portion is created that includes both the absorbent and the resilient body, the deformed portion being a substantially V-shaped portion as viewed in the longitudinal direction (slits are grooves 11, Figs. 1-3, col. 2, line 9 to col. 3, line 54; note V-shape is shown in dotted lines in Fig. 3). Mizutani '822 does not teach the resilient body being offset in the longitudinal direction. Applicant's specification does not disclose that an offset serves any stated purpose or solves any particular problem, as indicated above in paragraph 2. In addition, resilient members which are offset to some extent from a center of an absorptive product in the longitudinal direction are well known in the art. Drevik confirms this and teaches an absorptive product having a resilient body which imparts a contracting force to the absorbent with respect to the longitudinal direction, and which is offset from the center of the absorptive product in the longitudinal direction (hump-forming element 24 and elastic means 16, Figs. 3, 5, and 7-10, Abstract, paragraphs 82 and 85-88). Drevik teaches the resilient body conforming to the contours of the body (Figs. 3, 5, and 7-10, Abstract, paragraphs 82 and 85-88). Drevik also has a slit formed in the absorbent in a region on which the contracting force of the resilient body acts (absorbent is stiffening/absorbent element 6; slit is cutout 13 between legs 14 and 15; Figs. 1, 3, 5,

and 7-10 and paragraphs 64, 66, 100, 106, 109, 116). The slit of Drevik extends substantially co-extensively with and adjacent to the resilient body such that a V-shaped deformed portion is created (Fig. 3). Drevik teaches that the absorbent may be compressed in specific zones according to a desired pattern, which suggests that additional slits may be present in Drevik as well as cutout 13 (paragraphs 68-69). Note that Applicant's specification teaches that a single slit is suitable for the invention (specification, paragraph 66). It would have been obvious to one of ordinary skill in the art to modify Mizutani to include an offset, as taught by Drevik, to conform to the contours of the body, as taught by Drevik.

15. For Claim 9, Mizutani '822 teaches the resilient body being arranged such that the resilient body imparts the contracting force to the absorbent mainly along the longitudinal direction of the product (resilient body is elastic members 6, Figs. 1-3, col. 2, lines 18-24; note elastic members 6 are under tension). Mizutani '822 teaches the resilient body including two laterally spaced sides, and the slits respectively arranged adjacent each of the laterally spaced sides with respect to the resilient body (slits are grooves 11, Figs. 1-3, col. 2, line 9 to col. 3, line 54).

16. For Claim 10, Mizutani '822 teaches the slits having longitudinal end sides thereof parted away from the resilient body (slits are grooves 11, Fig. 1).

17. For Claim 11, Mizutani '822 teaches a first slit formed on a first side of the resilient body and a second slit formed on an opposite side of the resilient body; the first slit having a center portion thereof in the longitudinal direction thereof arranged close to the second slit, and other portions thereof gradually parted away from the second slit

(slits are grooves 11, Figs. 1-3, col. 2, line 9 to col. 3, line 54). The first slit and the second slit extend through an entire thickness of the absorbent (slits are grooves 11; absorbent is upper core 16; Figs. 1 and 3, col. 2, line 9 to col. 3, line 54).

18. For Claim 12, Mizutani '822 teaches the resilient body being formed of a film-like resilient body having a given width which imparts a contracting force mainly in the longitudinal direction (resilient body is elastic members 6, Figs. 1-3, col. 2, line 9 to col. 3, line 9; note each of the elastic members 6 appears thin and film-like in Figs. 1-3).

19. For Claim 13, Mizutani '822 teaches the absorbent being formed by stacking a first absorbent layer having high liquid diffusivity and a second absorbent layer having a high liquid holding property (first absorbent layer is upper core 16, second absorbent layer is lower core 17, Fig. 3, col. 2, line 63 to col. 3, line 21; note upper core 16 is of fluff pulp, while lower core 17 is of fluff pulp and superabsorptive polymer particles). Mizutani '822 teaches the resilient body being fixed to the second absorbent layer, and the slits being formed in the second absorbent layer (resilient body is elastic member 6, slits are grooves 11, Figs. 1 and 3, col. 2, line 9 to col. 3, line 54).

20. For Claim 14, Mizutani '822 teaches a notched portion formed in the first absorbent layer corresponding to a position where the resilient body is formed (notched portion is grooves 11; first absorbent layer is upper core 16; Figs. 1 and 3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571) 272-5964. The examiner can normally be reached on M-F 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paula L Craig
Examiner
Art Unit 3761

PLC

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SUPERVISORY PRIMARY EXAMINER